

Plaintiff has now filed a 10-count second amended complaint alleging gender and race discrimination against Rockford School District 205 and the Illinois Board of Education.

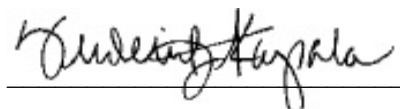
Unfortunately, the second amended complaint, like the initial complaint, must be stricken because it is not signed. See Fed. R. Civ. P. 11(a) (“The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.”). Plaintiff will be given an opportunity to correct this problem by filing a signed third amended complaint that is in conformity with the balance of this order.

Although the second amended complaint remains unnecessarily long and difficult to decipher, it is an improvement on the two previous complaints. This is due in large part to the fact that it names just two defendants which helps to alleviate the difficulty in determining which facts were committed by which defendants to support the various causes of action. Moreover, in light of the liberal pleading standard applicable to employment discrimination claims, see Luevano v. Wal-Mart Stores, Inc., 722 F.3d 1014, 1028 (7th Cir. 2013), the court cannot say that plaintiff has failed to state a claim for employment discrimination based on race. The court expresses no opinion as to the merit of this claim. Nor does the court express an opinion that there is any claim stated other than for racial discrimination in the second amended complaint. All of plaintiff’s claims, of course, will be subject to any motions or defenses that defendant sees fit to raise.

In his third amended complaint, plaintiff will be permitted to raise claims only against Rockford School District 205 because his claim against the Illinois Board of Education in Count III of the second amended complaint is unexhausted due to plaintiff’s failure to name it in the charge of discrimination that he filed with the EEOC. See Alam v. Miller Brewing Co., 709 F.3d 662, 666 (7th Cir. 2013) (“Prior to filing suit under Title VII, a party must first file a charge of discrimination with the EEOC, 42 U.S.C. § 2000e–5(f)(1), and a party not named as the respondent in the charge may not ordinarily be sued in a private civil action under Title VII.”). Plaintiff is also precluded from raising gender discrimination claims in his third amended complaint because these claims are also unexhausted for failure to raise them before the EEOC. See Cheek v. W. and S. Life Ins. Co., 31 F.3d 497, 500 (7th Cir. 1994) (“As a general rule, a Title VII plaintiff cannot bring claims in a lawsuit that were not included in her EEOC charge.”). If plaintiff fails to file a third amended complaint in conformance with this order within 21 days of the date this order is entered, this case will be dismissed with prejudice without further notice and final judgment will be entered.

Date: 2/2/2015

ENTER:

A handwritten signature in black ink, appearing to read "Frederick J. Kapala", written over a horizontal line.

FREDERICK J. KAPALA

District Judge